

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

HOSPIRA, INC., et al.,

Plaintiffs,

v.

SANDOZ INC., et al.,

Defendants.

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CIVIL ACTION NO. 09-4591 (MLC)

**ORDER & JUDGMENT**

This matter having been tried before this Court; and the parties having submitted proposed findings of fact and conclusions of law on April 2, 2012; and closing arguments having been heard on April 5, 2012; and for the reasons set forth in the Court's Memorandum Opinion, dated April 30, 2012;

**IT IS THEREFORE**, on this 30th day of April, 2012:

**ORDERED** that the Court's Memorandum Opinion, dated April 30, 2012, is **SEALED UNTIL FURTHER ORDER OF THE COURT**; and it is further

**ADJUDGED** that U.S. Patent No. 4,910,214 is valid and enforceable; and it is further

**ADJUDGED** that U.S. Patent No. 6,716,867 is invalid as obvious under 35 U.S.C. § 103; and it is further

**ORDERED** that Defendants' proposed marketing of its generic product, as described in ANDA No. 91-456, and as stipulated by the parties, infringes all claims of U.S. Patent No. 4,910,214; and it is further

**ORDERED** that Defendants and their officers, agents, attorneys, and employees and those acting in privity or concert with them, are permanently enjoined from the commercial manufacture, use, sale or offer for sale in the United States or importation into the United States of their generic dexmedetomidine hydrochloride as described in ANDA No. 91-456 until such time as U.S. Patent No. 4,910,214 expires, including any applicable extensions; and it is further

**ORDERED** that the effective date for Defendants' ANDA No. 91-465 is set to be no earlier than the expiration of U.S. Patent No. 4,910,214, including any applicable extensions.

s/Mary L. Cooper  
**MARY L. COOPER**  
United States District Judge